

## REMARKS

In the Office Action mailed July 19, 2010 (hereinafter "Office Action"), Claims 17, 19, 20, 25, and 32-35 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,563,425, to Nicholson et al. (hereinafter "Nicholson"), in view of U.S. Patent No. 3,487,310, to Bateman et al. (hereinafter "Bateman"). Claims 18, 21, and 36 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman, and further in view of U.S. Patent No. 6,046,668, to Forster (hereinafter "Forster").

Claims 22-24, 29, and 31 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman, and further in view of European Patent Application No. 1209615 A2, by Salvador (hereinafter "Salvador").<sup>1</sup> Claims 26-28 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman, and further in view of U.S. Patent Publication No. 2002/0149484, by Carrender (hereinafter "Carrender"). Claim 30 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman and Salvador, and further in view of CN Utility Model No. 2,304,947, to Wei (hereinafter "Wei"). Applicant respectfully traverses the rejections of Claims 17-36.

With this response, Claims 29, 30, 32, and 36 have been amended. Claims 17-36 remain pending in the present application. Applicant has carefully considered the issues raised in the Office Action, and respectfully requests reconsideration and allowance of the pending claims in view of the remarks set forth below.

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<sup>1</sup> The Office Action referred to the EP 1209615 A2 application variously as "Claudio," "Salvador," and "Salvador Claudio." With this response, applicant has referred to this reference solely as "Salvador."

## Patentability of Claims 17-36

### Independent Claim 17

The Office Action rejected Claim 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman. Applicant respectfully traverses this rejection.

Claim 17 recites a reader interfacing device configured to "establish a first communication path with a reader configured to emit and receive interrogating radiation at a first radiation frequency," and to "establish a second communication path with a remote tag or smart label configured to be interrogated using radiation of a second frequency different from the first frequency by at least an order of magnitude." The Office Action admits that Nicholson fails to teach this feature, and attempts to remedy the deficiency in Nicholson by citing Col. 3, lines 10-38 of Bateman. (Office Action, page 3.)

Applicant agrees that Nicholson fails to teach this feature, but disagrees that Bateman discloses "using radiation of a second frequency different from the first frequency by at least an order of magnitude." Among other things, the cited portion of Bateman states:

Carrier frequencies  $f_1$  and  $f_2$ , transmitted and received by antennae 15 of transceivers 11 and 12, respectively, are preferably in the very high frequency range of 30-300 megacycles, typically separated by a substantially constant factor, which may be on the order of 2-20 megacycles.

The Office Action suggests that this discloses "a second frequency different from the first frequency by at least an order of magnitude," but applicant disagrees. This passage describes a first frequency within the range of 30-300 megacycles, and a second frequency within the range of 30-300 megacycles, which are separated by a constant factor on the order of 2-20 megacycles. As an example, if the first frequency were at the extreme end of the range of 30 megacycles, the second frequency would be somewhere between 32 megacycles and, at most, 50 megacycles. One of ordinary skill in the art would not recognize 50 megacycles as being "at least an order of

magnitude" different from 30 megacycles, nor would 32 megacycles be considered "at least an order of magnitude" different from 30 megacycles.

Since Bateman fails to make up for the admitted deficiencies in Nicholson, applicant respectfully submits that Nicholson and Bateman, both alone and in combination, fail to disclose or suggest the combination of features recited in Claim 17. Accordingly, applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 17.

#### Dependent Claims 18-31

Claims 18-31 depend from Claim 17. Applicant respectfully submits that these claims are allowable at least by virtue of their dependency from allowable Claim 17, as well as by virtue of the additional claim features set forth therein.

For example, applicant respectfully submits that the cited references, both alone and in combination, fail to disclose or suggest the combination of features recited in amended Claim 30, including an optical reader that "comprises a laser scanner," and a reader interfacing device that "comprises a liquid crystal display (LCD)," wherein "the laser scanner is configured to scan information presented on the LCD to provide information for exchange between the optical reader and the reader interfacing device." The Office Action cited Wei as disclosing features similar to these, but applicant respectfully disagrees.

According to Wei, a single-plate device 33 is a control core. RF card data is sent via an RF card antenna 3 to the single-plate device 33 for processing, and a laser reader separately sends bar code data to the single-plate device 33 for processing. (Wei, page 5, first full paragraph.) While "real-time states are displayed by displayer 35," this does not disclose or suggest an LCD that "provide[s] information for exchange between the optical reader and the reader interfacing device," at least because Wei does not disclose or suggest any use for the "real-time states" displayed by the displayer.

Accordingly, applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 18-28, 30, and 31.

#### Independent Claim 32

The Office Action rejected Claim 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman. Applicant respectfully traverses this rejection.

Similar to the discussion above with respect to Claim 17, applicant respectfully submits that the Office Action admitted that Nicholson fails to disclose a second frequency "different from the first frequency by at least an order of magnitude." Applicant further submits that Bateman fails to make up for this deficiency in Nicholson, at least because Bateman at best suggests a first frequency of 30 megacycles and a second frequency of 50 megacycles, which would not be considered by one of ordinary skill in the art to be different by at least an order of magnitude.

Accordingly, for at least reasons similar to those discussed above with respect to Claim 17, as well as for other reasons, applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 32.

#### Dependent Claims 33 and 34

Claims 33 and 34 depend from Claim 32. Applicant respectfully submits that these claims are allowable at least by virtue of their dependency from allowable Claim 32, as well as by virtue of the additional claim features set forth therein.

Accordingly, applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 33 and 34.

### Independent Claim 35

The Office Action rejected Claim 35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nicholson in view of Bateman. Applicant respectfully traverses this rejection. Similar to the discussion above with respect to Claim 17, applicant respectfully submits that the Office Action admitted that Nicholson fails to disclose a second frequency that "is different from the first frequency by at least an order of magnitude." Applicant further submits that Bateman fails to make up for this deficiency in Nicholson, at least because Bateman at best suggests a first frequency of 30 megacycles and a second frequency of 50 megacycles, which would not be considered by one of ordinary skill in the art to be different by at least an order of magnitude.

Accordingly, for at least reasons similar to those discussed above with respect to Claim 17, as well as for other reasons, applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 35.

### Dependent Claim 36

Claim 36 depends from Claim 35. Applicant respectfully submits that Claim 36 is allowable at least by virtue of its dependency from allowable Claim 35, as well as by virtue of the additional claim features set forth therein.

Accordingly, applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 36.

CONCLUSION

In view of the foregoing amendments and remarks, applicant respectfully submits that Claims 17-36 are in condition for allowance over the patents and publications of record, and respectfully requests reconsideration and allowance of the same. The Examiner is invited to contact the undersigned attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

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